

OAO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA
V.Michael Joseph Kelly, Marcus Wright Kelly and
Pamela Lynn GotcherFILED 08 OCT 27 14:52 USC-ORP
CRIMINAL COMPLAINT

Case Number: 08-mj-501

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 12/19/07-9/6/08 in _____ County, in the _____ District of _____ Oregon defendant(s) did,

(Track Statutory Language of Offense)

(1) with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or other security of the United States or (2) with intent to defraud passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or with like intent brings into the United States or keeps in possession or conceals any falsely made, forged, counterfeited, or altered obligation or other security of the United States or (3) buys, sells, exchanges, transfers, receives, or delivers any false, forged, counterfeited, or altered obligation or other security of the United States, with the intent that the same be passed, published, or used as true and genuine in violation of Title 18 United States Code, Section(s) 471, 472, 473.

I further state that I am a(n) United States Secret Service Agent and that this complaint is based on the following facts:

Official Title

See attached affidavit.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

Michael Luker

Printed Name of Complainant

Sworn to before me and signed in my presence,

October 27, 2008
Date

at

Portland

Oregon

City

State

DONALD ASHMANSKAS

U.S. MAGISTRATE

Name of Judge

Title of Judge

Signature of Judge

STATE OF OREGON)
)
County of Multnomah) AFFIDAVIT OF MICHAEL G. LUKER

I. INTRODUCTION AND EXPERIENCE OF AGENT

1. I, Michael G. Luker, am a Special Agent (SA) of the United States Secret Service (USSS) and have been so employed since August 6, 2006. In the course of my official duties, I have investigated false identification fraud, check fraud, and counterfeit Federal Reserve Note cases. I have received specialized training from the USSS Forensic Services Division in the manufacture of genuine U.S. currency as well as in the detection of counterfeit U.S. currency. I am a graduate of the Federal Law Enforcement Training Center and the USSS Special Agent Training Course. The information herein is based on my investigation and that of the Oregon State Police and Portland Police Bureau, Portland, Oregon (PPB). This affidavit is being submitted in support of criminal complaints charging Michael Joseph Kelly, Marcus Wright Kelly, and Pamela Lynn Gotcher with making, possessing, and passing, with the intent to defraud, counterfeit U.S. currency, as well as warrants for their arrest on those charges.

II. STATUTES

2. Title 18, United States Code Section 471 makes it a crime for anyone who “with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or other security of the United States.”

3. Title 18, United States Code Section 472 makes it a crime for anyone who “with intent to defraud, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or with like intent brings into the United States or keeps in possession or conceals

any falsely made, forged, counterfeited, or altered obligation or other security of the United States.”

4. Title 18, United States Code Section 473 for anyone who “buys, sells, exchanges, transfers, receives, or delivers any false, forged, counterfeited, or altered obligation or other security of the United States, with the intent that the same be passed, published, or used as true and genuine.”

III. THE INVESTIGATION

5. On December 19, 2007, Kalamazoo Police Department, Kalamazoo, MI, Task Force Officer K. Revard contacted the USSS Portland, OR Resident Office (POR) regarding a Confidential Informant (CI) that has worked for her in the past who had information on Counterfeit (CFT) Federal Reserve Notes (FRNs) being passed in the Portland, OR and Vancouver, WA areas. I contacted the CI who described the subjects involved with the CFT as “the twins” and stated that they planned to pass approximately \$20,000 in CFT FRNs during the 2007 Christmas season. The CI stated “the twins,” later identified as Michael Joseph Kelly and Marcus Wright Kelly, obtained the \$20,000 in CFT FRNs from somewhere in California for approximately \$2,000 genuine U.S. Currency. The manner in which they would pass the CFT was to buy items using CFT FRNs at department stores, such as Nordstrom and Macy’s, then return the items and receive genuine currency. Another method was to purchase money orders using the CFT FRNs and redeem the money orders for genuine currency.

6. On January 8, 2008, the USSS Portland, OR Resident Office received eighteen (18) SSF 1604, Counterfeit Note Reports, from US Bank, Jantzen Beach office, Portland, OR. Indicated on the forms was that the eighteen (18) CFT \$100 FRNs were passed at a

Plaid Pantry, 1020 N. Marine Drive, Portland, OR and were used to purchase money orders.

7. On January 10, 2008, I received faxed copies of the negotiated Plaid Pantry money orders which bore the following: To: Jasmine Britt, From: Jasmine Britt, 2 money orders valued at \$300 each. To: James Emerson, From: James Emerson, 2 money orders valued at \$300 each. To: Columbia Ridge, From: Mae Rene Kelly, 2 money orders valued at \$300 each.

8. On January 16, 2008, Special Agent Ron Brown and I interviewed Ava Mooney, Columbia Ridge Apartments manager, at the apartment office located at 15910 NE Sandy Blvd, Portland, OR. Ms. Mooney stated that she did receive money orders from Mae Rene Kelly, a resident of Columbia Ridge Apartments, 16014 NE Sandy Blvd, #124, Portland, OR in early January for payment on her rent. Ms. Mooney stated that Mae Rene Kelly always pays her monthly rent with money orders. Ms. Mooney stated that Mae Rene Kelly had twin boys, Michael and Marcus, who she saw frequently. She estimated the twins were in their mid 30's.

9. On January 24, 2008, Special Agents Greg Blackman and Cindi Bockstadter (POR) responded to MBank, located at 9415 SE Stark, Portland, OR, and obtained \$10,000 in CFT \$100 FRNs that were deposited on behalf of the Parkrose Harvest Church, 10249 NE Clackamas Street, Portland, OR. It was determined that these CFT FRNs were associated with this case as the Check Numbers, Check Letters, and Back Plate of the notes matched.

10. On January 24, 2008, SA Blackman and SA Bockstadter contacted Pastor Stephen Stewart at the Parkrose Harvest Church. Pastor Stewart stated that a member of his

church, Maria Cherinoz, had donated the \$10,000 in CFT \$100 FRNs. Pastor Stewart stated that Ms. Cherinoz had felt blessed and given the counterfeit, believing it was genuine. Pastor Stewart stated that Ms. Cherinoz had found the counterfeit in a McDonald's bag lying outside her car.

11. On January 24, 2008, SA Blackman and I contacted Ms. Cherinoz who stated she had originally found \$15,000 in CFT FRNs and kept \$5,000 for herself. Ms. Chirinoz stated she found the CFT FRNs in a McDonald's bag near her car at her residence located at the Columbia Ridge Apartments, Portland, OR. Along with the bag, a USPS shipping label with the name M. Kelly on it was found. The "TO" address listed on the label was "TO: M. Kelly, 16014 N.E. Sandy Blvd., #124, Portland, OR 97230." The "FROM" address listed on the label was a partial address, due to the label being ripped. The partial address listed was FROM: Lowe, Olive Ave., Fresno, CA 93720."

12. On April 18, 2008, I contacted Ms. Moony, Columbia Ridge Apartments, who stated that Mae Rene Kelly continues to pay her monthly rent in money orders and has seen a blonde female with the Kelly twins recently. Ms. Moony stated that the blonde female resembles the blonde female depicted in a surveillance photo from the Washington Square Nordstrom store dated December 29, 2007, which was received by this office from Nordstrom Loss Prevention Manager Keith Evans.

13. On June 18, 2008, a representative from Macy's turned over to the USSS Portland, OR Resident Office, video images of subjects passing CFT FRNs at the Clackamas Town Center Macy's. Images shown on the video appear to be that of Michael Kelly and Pamela Gotcher.

14. On September 6, 2008, Myron Keith Carter and Wesley Adolph Bonner were arrested in Roseburg, OR after being pulled over by Oregon State Police while carrying a bag containing approximately \$7,350 in CFT FRNs. After reading the Warning and Consent to Speak, SSF 1737B, to the subjects, Carter and Bonner agreed to waive their rights and voluntarily signed the form. Bonner stated that Michael Kelly gave them the CFT currency in Portland, OR to buy marijuana in California. Both Carter and Bonner stated Michael and Marcus Kelly are heavily involved with counterfeit, and that it is practically "all they do." Both stated that earlier this year, when the \$100 CFT FRNs dried up from California, Michael Kelly's girlfriend, Pamela Gotcher, began printing CFT FRNs from her home.

15. On September 6, 2008, officers from Portland Police Bureau (PPB), Oregon State Police, ICE and I went to the Kelly's apartment located at 16014 NE Sandy Blvd, #124, Portland, OR to locate and interview Michael and Marcus Kelly. Michael Kelly was located at the residence and interviewed. After reading the Warning and Consent to Speak, SSF 1737B, to the subject, Michael Kelly agreed to waive his rights and voluntarily signed the form. Michael Kelly stated that in December 2007, he became involved in counterfeit currency from an associate known as "Goldie" in Fresno, CA. Michael Kelly stated that he would buy \$8,000 in counterfeit U.S. currency for approximately \$500 genuine currency. Michael Kelly stated that he would receive packages, via USPS, about every two weeks.

16. On September 6, 2008, a consent search of Michael Kelly's room and adjacent hallway revealed a bag of CFT FRNs and a shoe box containing CFT FRNs in denominations of 10s, 20s, 50s and 100s. These items were inventoried with Portland

Police Bureau. The total amount of CFT FRNs retrieved from the apartment was valued at \$12,670. Michael Kelly stated that he believed it is possible that he, alone, is responsible for approximately \$80,000 in CFT FRNs being passed in the area, while a total of \$130,000 in CFT FRNs may have been received. Michael Kelly also stated that his girlfriend, Pamela Gotcher, has a printer at her home and that she has printed CFT FRNs from a computer and an all-in-one printer. Michael Kelly stated that these CFT FRNs from Gotcher were poor in quality, not like the \$100 CFT FRNs he would receive from Fresno, CA.

17. On September 6, 2008, Marcus Kelly, twin brother of Michael Kelly, arrived at the apartment. After reading the Warning and Consent to Speak, SSF 1737B, to the subject, Marcus Kelly agreed to waive his rights and voluntarily signed the form. Marcus Kelly stated he became involved in the counterfeit in 2007 through his friend "Goldie" in Fresno, CA. Marcus Kelly stated he would receive a shipment of \$8-10k in CFT FRNs every couple of weeks, via a USPS package addressed to M. Kelly. Marcus Kelly admitted to buying clothes at Macy's and Nordstrom stores at least 20 times, and returning some of the merchandise for genuine currency. Marcus Kelly also stated he purchased money orders using CFT FRNs on at least 5 different occasions, and paying for his mother's rent, among other things, using these money orders. Marcus Kelly also stated that Pam Gotcher, Michael Kelly's girlfriend, has been printing CFT FRNs in Vancouver, WA. Marcus Kelly stated Gotcher would print them and he and Michael Kelly would cut them out. Marcus Kelly stated that he believed it is possible that he, alone, is responsible for approximately \$70,000 in CFT FRNs being passed in the area.

18. On September 6, 2008, a consent search of Marcus Kelly resulted in \$1300 in CFT FRNs on his person. This evidence was inventoried with Portland Police Bureau. At the conclusion of my interview and consent search of Marcus Kelly, he was transported by PPB to Multnomah County Detention center on state forgery charges.

19. On September 8, 2008, I contacted Pamela Gotcher at Inverness Jail Facility, Portland, OR. After reading Gotcher the Warning and Consent to Speak form, SSF 1737B, Pamela Gotcher agreed to waive her rights and voluntarily signed the form. Gotcher stated that she became involved with the CFT FRNs through her boyfriend, Michael Kelly. Gotcher stated that Michael Kelly would receive packages to the apartment located at 16014 NE Sandy Blvd, #124, Portland, OR via USPS packages. Gotcher said that she knew of at least three shipments containing \$8-10K in CFT FRNs and that after a package was lost, agreed to have at least one package sent to her house, located at 12912 NE 43rd Circle, Vancouver, WA 98682, containing approximately \$8,900 in CFT FRNs. Gotcher stated she had uncut CFT FRNs, paper, ink and other supplies at her home, as well as an all-in-one printer and laptop computer which she used to manufacture CFT FRNs. Gotcher stated the CFT FRNs were located in her room, in a silver boot box, on the top shelf of her closet. Gotcher stated the computer and printer was located in her room, on the floor next to her bed.

20. Gotcher gave consent to obtain CFT FRNs and any other items that were linked to the manufacturing, uttering, distribution, proceeds or in any other way related to CFT FRNs at her residence in Vancouver, WA. Gotcher provided a signed consent to search, SSF 1922. Gotcher also provided a signed Consent to Search of Stored Electronic Media form, which includes computers, printers, and other related electronic devices. Gotcher

also provided a signed, written statement, containing information discussed during the interview, as well as an advisement of Section 1001, Title 18, United States Code.

Pamela Gotcher stated that she believed it is possible that she, alone, is responsible for at least \$16,000 in CFT FRNs being passed in the area.

21. On September 8, 2008, officers from Vancouver, WA Police Department and I went to Pamela Gotcher's home located at 12912 NE 43rd Circle, Vancouver, WA 98682. Upon arrival, Gotcher's mother, Darla Garrison, was outside. I identified myself as a Federal Agent, and discussed the incident with Garrison. After providing her information and showing her the signed Consent to Search Form, Garrison also completed a Consent to Search Form and allowed us entry. Upon entry, Garrison showed us Pamela Gotcher's room. Once inside the room, the silver boot box, containing paper and CFT FRNs, was located in the closet, as well as the printer, laptop computer, and paper/supplies on the floor next to the bed. These items were taken into evidence and transported to the Portland, OR Resident Office vault.

22. On September 18, 2008, Special Agent Michael Wald (POR) completed computer forensics and imaged the hard drive from the computer seized from Pamela Gotcher's room. A cursory exam of the imaged hard drive revealed several images of U.S. Currency.

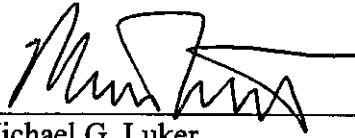
///

///

///

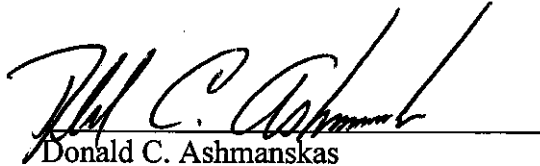
///

23. Based on my knowledge of this investigation and the facts set forth above, I believe and I have probable cause to believe that Michael Joseph Kelly, Marcus Wright Kelly, and Pamela Lynn Gotcher manufactured, possessed, passed, and dealt, with the intent to defraud, counterfeit U.S. currency in violation of Title 18, United States Code, Sections 471, 472, and 473.



Michael G. Luker
Special Agent, United States Secret Service

Subscribed and sworn to before me this 27 day of October, 2008.



Donald C. Ashmanskas
United States Magistrate Judge